

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC.)	
501 School Street, S.W., Suite 500)	
Washington, DC 20024,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.:
)	
BUREAU OF LAND MANAGEMENT)	
1489 C Street, N.W.)	
Washington, DC 20240,)	
)	
Defendant.)	
)	

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Plaintiff Judicial Watch, Inc. brings this action against Defendant Bureau of Land Management (“BLM”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff is a non-profit, educational foundation organized under the laws of the District of Columbia and having its principal place of business at 501 School Street, S.W., Suite 500, Washington, DC 20024.

4. Defendant BLM is an agency of the United States Government. Defendant BLM has its principal place of business at 1489 C Street, N.W., Washington, DC 20240. Defendant BLM has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On March 8, 2007, Plaintiff sent FOIA requests to Defendant BLM seeking access to the following records:

- (1) Contacts or communications between the Bureau of Land Management and any of the following individuals and/or their offices or staffs concerning or relating to any proposal to exchange public land in the Coyote Springs Valley, Clark County, Nevada, for land owned by Coyote Springs Investment, LLC:
 - a. U.S. Senator Harry Reid;
 - b. U.S. Senator John Ensign; or
 - c. U.S. Rep. Jim Gibbons.
- (2) Contacts or communications between the Bureau of Land Management and any of the following individuals and/or their offices or staffs concerning or relating to the 2004 or 2005 agreement to exchange public land in the Coyote Springs Valley, Clark County, Nevada, for land owned by Coyote Springs Investment, LLC:
 - a. U.S. Senator Harry Reid;
 - b. U.S. Senator John Ensign; or
 - c. U.S. Rep. Jim Gibbons.
- (3) Contacts or communications between the Bureau of Land Management and any of the following individuals and/or their offices or staffs concerning or relating to the February 18, 2005 issuance of Patent No. 27-2005-0081 to Coyote Springs Investment, LLC:
 - a. U.S. Senator Harry Reid;
 - b. U.S. Senator John Ensign; or
 - c. U.S. Rep. Jim Gibbons.

Identical requests were sent to both the Washington, D.C. headquarters of Defendant BLM and Defendant BLM's Las Vegas Field Office.

6. Defendant BLM acknowledged receipt of Plaintiff's FOIA request to Defendant BLM's Washington, D.C. headquarters on March 9, 2007. Defendant BLM's Las Vegas Field Office subsequently advised Plaintiff that Defendant BLM's Washington, D.C. headquarters would be responding to Plaintiff's request to the Las Vegas Field Office as well.

7. Defendant BLM was required by 5 U.S.C. § 552(a)(6)(A)(i) to determine within twenty (20) business days, or on or about April 6, 2007, whether to comply with Plaintiff's FOIA requests and to immediately notify Plaintiff accordingly.

8. As of September 4, 2007, Defendant BLM has failed to produce records responsive to Plaintiff's requests or otherwise deny the existence of such records or assert such records are exempt from production under 5 U.S.C. § 552(b).

COUNT 1
(Violation of FOIA)

9. Plaintiff realleges paragraphs 1 through 8 as if fully stated herein.

10. Defendant BLM has violated FOIA by failing to produce any and all non-exempt records responsive to Plaintiff's March 8, 2007 FOIA requests within the twenty (20) day time period required by 5 U.S.C. § 552(a)(6)(A)(i) or otherwise deny the existence of such records or assert such records are exempt from production under 5 U.S.C. § 552(b).

WHEREFORE, Plaintiff respectfully requests that the Court: (1) declare Defendant's failure to comply with FOIA to be unlawful; (2) order Defendant to search for and produce by a date certain any and all non-exempt records responsive to Plaintiff's FOIA requests and a

Vaughn index of responsive records subject to a claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA requests; (4) grant Plaintiff an award of attorney's fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: September 4, 2007

Respectfully submitted,

JUDICIAL WATCH, INC.



Paul J. Orfanedes
D.C. Bar No. 429716
Jason B. Aldrich
D.C. Bar No. 495488
Suite 500
501 School Street, S.W.
Washington, DC 20024
(202) 646-5172

Attorneys for Plaintiff